

VA, mine or perhaps in Paducah, KY, and various places in Ohio. For this larger group of people, those claims are still being worked.

We say: Well, time has passed, and maybe these claims should be a little higher. So they are awarded \$150,000 if they can prove the claim that they are either totally disabled or are an heir.

Congress in that case—coming out of a different committee—made that program an entitlement. Even the occupant of the Chair, who is a new Senator, would understand that those claims are paid without anybody appropriating it—just like the Social Security check or your veterans check.

Here is one group of Americans filing their claims. Some of them are already adjudicated; we stamp out a check, while over here another group of Americans carry around IOUs.

A number of Senators have been working on this issue. A number of House Members have been working on it. My friend, Senator BINGAMAN, has been working on it.

But essentially our last opportunity to cease the embarrassment and do something half fair was to put language in the supplemental appropriations bill that would see to it that for any claims already finished where people are carrying around the IOUs, or any that are completed for the rest of this year, there is money for them. We provided that in the Senate bill on supplemental appropriations.

Frankly, we even had to find a way to pay for it because it had to be budget neutral. So we found a way to pay for it. I did, out of a program I started a few years ago. I said: It is not being used, so cancel it so we have room.

Today, at about 10:30, 11 o'clock this morning, after a number of days of conferring, the House-Senate committee on that bill approved it. It should come back before us very soon and get approval. It has language in it that says whatever amount of money is needed for those holding those IOUs and for those finishing up their claims by the end of this fiscal year, they will have the money in the Justice Department to pay it.

I say to the Senate, I know it is difficult, unless you have this problem, for you to be as concerned as I or those in my particular region. But I thought maybe I should tell the whole Senate because it is time they know that this is a festering embarrassment.

Is it solved? No. The appropriations bill that is going to put in money for next year only carries a small amount of money because it expects, as does the President in his budget, to convert this program to an automatic payment program called a mandatory or an entitlement. But we have not been able to get that done yet.

So I have said it for a second reason. I hope the committees that are considering it—and I will do my best to go see the committees to make myself understood, and take with me whatever evidence I need to convince the chair-

men and ranking members they ought to make this an entitlement. But in the meantime, the people who have claims right up until the end of this year will get paid. It will take a couple weeks, so they should not be coming into our offices saying thank you yet, nor should they come in and ask where is the money. They just have to wait a little while. It takes a little bit of time.

I thought, since we see them and we hear them, that maybe I should let the Senate vicariously hear them—you can't see them, but you can hear them through me.

What we have to do is not let another year pass because this is a problem, whether or not you come from a State that has "down-winders" and/or uranium miners; this carries with it some very serious kinds of overtones for the U.S. Government. You create a program. You tell people: We have been sorry for you up until now, but we will give you a little claim here—\$100,000—and then, when you prove it up, you will take it, and you no longer have any claims, and we have said that we have paid you. It is just not right that you do not do it, just not right.

It is growing. The newspeople are starting to carry it. I guess they are starting to carry: "Congress finally puts up the money today." That is good. But I hope there is a lingering interest in how we fix it. It should not be that 6 months into next year somebody exposed to low-level radiation at one of America's uranium enrichment plants proves their claim and gets an automatic check, but yet you have these people who might have worked 35 years ago, for 20 years, in a nonaerated uranium mine, where the U.S. Government, even through its heralded Atomic Energy Commission, which I know a lot about, made a mistake with reference to the quality of air in the mines—where acknowledgements were made many years later; and it is hard to get the acknowledgement, but we finally got it—yet a mistake was made.

So I thought it would be good, while we had nothing to do in this Senate Chamber, that maybe we could spread this story of what has happened and say thank you to the Appropriations Committee for the emergency measure today. And we look forward to one of our committees passing a bill that will make these few remaining people who are entitled to it know they will get their money when their claim is adjudicated.

JACKIE M. CLEGG

Mr. SARBANES. Mr. President, I seek recognition to express a deep appreciation for the dedicated service of Jackie M. Clegg as first Vice President and Vice Chair of the Export-Import Bank of the United States.

As I think many of my colleagues are aware, Jackie's 4-year term at the Eximbank will be concluding on tomorrow, July 20. As chairman of the Sen-

ate Committee on Banking, Housing, and Urban Affairs, I note our committee's gratitude and, indeed, the gratitude of the Senate for the many extraordinary contributions she has made to the Export-import Bank during her tenure.

Jackie spent more than 8 years in a series of senior positions at the Eximbank, devoting herself tirelessly to the agency's mission of supporting U.S. exporters and sustaining American jobs. She first joined the Eximbank in April of 1993, served as special assistant, chief of staff and vice president for congressional and external affairs, prior to her nomination, in May of 1997, to be first Vice President and Vice Chair of the Export-Import Bank.

Her exceptionally effective service at the Eximbank was a logical outgrowth of her extensive legislative staff career in the Congress. She worked for more than a decade as the legislative assistant for foreign policy, trade, and national security issues, for Senator Jake Garn of her home State of Utah, as an associate staff member to the Appropriations Committee, and later as a professional staff member on the Senate Banking, Housing, and Urban Affairs Subcommittee on International Finance and Monetary Policy.

It thus came as no surprise to us in the Congress when Jackie skillfully led the bank's efforts on its reauthorization legislation in 1997.

The legislation received overwhelming bipartisan support in the Congress and set the stage for the agency's excellent work on behalf of U.S. exporters during her term.

We on the Banking Committee have had the benefit of Jackie's wise counsel on export and trade matters for several years. She has an acute sense of the relationship among Federal agencies, Congress, foreign governments, and the business community.

In her travels on the Bank's behalf, and in her speeches, Jackie has raised awareness of the critical nature that international trade and trade finance can play in improving the lives of our citizens. Jackie has also devoted herself to improving the management of the Eximbank and its responsiveness to staff concerns. She has helped shepherd the Bank towards increased automation as a means of better fulfilling its objective of satisfying the needs of small business. She has served as both an institutional memory and a trail-blazer—traits not often found in the same person.

The board of directors of the Eximbank today adopted a resolution expressing its appreciation and thanks to Jackie for her distinguished service to the Bank.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See Exhibit 1.)

Mr. SARBANES. Mr. President, for those of us who have supported and

worked with the Eximbank, it is a loss that Jackie Clegg has chosen to leave public office at this time. We recognize, however, she has a special reason for moving on, and many of us have already extended our congratulations to Jackie and our colleague, the distinguished Senator from Connecticut, Senator DODD, as they start a family. But I want to thank her before she leaves office for her outstanding service to the Nation through her many contributions to the work of the Export-Import Bank of the United States.

EXHIBIT 1

EXPORT-IMPORT BANK OF THE UNITED STATES
RESOLUTION

Whereas Jackie M. Clegg has served with distinction as First Vice-President and Vice Chairman of the Export-Import Bank of the United States since June 17, 1997; and

Recognizing, that she has spent more than eight years in a series of senior positions at the Ex-Im Bank, devoting herself to the agency's mission of supporting U.S. exporters and sustaining American jobs; and

Recognizing further, that her success at the Ex-Im Bank is a logical outgrowth of her extensive U.S. Senate staff career, including more than a decade of work as a legislative assistant for foreign policy, trade, national security, banking, and appropriations issues; and

Recognizing further, that she led the Bank's efforts on its reauthorization legislation in 1997, which received overwhelming bipartisan support in the Congress and has made it possible for the Bank to serve better the needs of U.S. exporters, earning her the admiration and respect of numerous Members of Congress, the Executive Branch, and the exporting community; and

Recognizing further, that she demonstrated leadership and creativity as the Bank tackled critical issues such as resolving international financial challenges, balancing the need for environmental protection with promoting business opportunities, and increasing trade opportunities for small businesses, particularly those owned by women, minorities, and Americans who live in rural areas; and

Recognizing further, that she devoted herself to enhancing the quality of life for the Bank's career staff through innovation and a commitment to training, advancement, and empowerment; and

Recognizing further, that she has brought great credit to the Bank and succeeded in raising awareness of the agency and its mission, thereby expanding exporting opportunities for American companies and enhancing their competitiveness in the global marketplace; and

Recognizing further, that her intelligence, dedication, warmth, and leadership have earned her the friendship, affection, and respect of Export-Import Bank colleagues at all levels of the agency;

Now, therefore, be it resolved. That the Directors of the Bank, individually and on behalf of the entire Bank, hereby express their sincerest appreciation and thanks to Jackie M. Clegg for her distinguished service to the Bank and extend to her best wishes in all future endeavors.

JOHN E. ROBSON,
President and Chairman.

DAN RENBERG,
Director.

D. VANESSA WEAVER,
Director.

Mr. REID. Mr. President, I ask unanimous consent that the Senator's morning business time be extended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I say to my friend, I also have gotten to know Jackie Clegg. I met Jackie when she was a staff person for Senator Garn on the Appropriations Committee. She would come and be at his side and was his voice and ears on that committee—an important committee on which he did so well for the State of Utah. I got to know her better when she went to the Eximbank. We think of the Bank—I always did—as being something that was done in places other than in the United States. But she was kind and professional enough to do a meeting in Las Vegas for me of the Eximbank. There was tremendous interest of Las Vegas businesspeople in what that Bank could do and could not do. People were brought to a meeting in Las Vegas, and I can say it was one of the most successful of that type of meeting I have ever held.

She will be missed. Of course, being chairman of the Banking Committee and having worked in the area a long time, you certainly understand, having worked so closely with her, more than most of us how important that Bank is. I appreciate the Senator mentioning Jackie very much. However, I am very confident that her new role, as important as her old role was, will be even more important. I know she is looking forward to it. She will be a great mother, and I look forward to seeing her with her new baby in just a few months.

Mr. SARBANES. I thank the Senator for his comments.

Mr. REID. May I say also, while I have the Senator's attention, I say to my friend, the senior Senator from Maryland, I have been so impressed in watching what is taking place in Baltimore in the last 24 hours—almost exactly 24 hours now—to see the work of professionals there with the terrible tragedy that took place in the tunnel. I am confident that the Senator is as impressed as I am with the great work being done by the people from Maryland and Baltimore, and the other entities of which I am not totally aware, in averting a disaster that could have been much worse.

Mr. SARBANES. I thank the Senator. They are still working on that problem. It has not been fully resolved yet. I received a message from Mayor O'Malley that the fire is still smoldering. But they have had terrific intergovernmental cooperation throughout in trying to address this pressing issue. We are hopeful that it will be resolved soon. The tunnel is a mile and a half long, and so they are pulling these cars out of the tunnel—decoupling them and pulling them out. So that process is still underway, but we hope it can be carried through to completion without worsening of conditions.

Mr. REID. This points out how dangerous it is to transport hazardous materials. Certainly, this is a clear indication of how dangerous it really is.

Mr. SARBANES. The other thing—if the Senator will yield for a minute—I think it points out the need for us to make investment in our Nation's infrastructure. We have been trying for a long time to get a real commitment at the Federal level, to be matched at the State and local level, for operating infrastructure. I think it is something we need constantly to keep in mind and not lose sight of. We are making a number of these budget priorities, including sweeping tax cuts, for example, and at the same time all across the country we are being challenged by major needs in terms of the Nation's infrastructure. This is an obvious instance of transportation infrastructure and communications. I hope we will be able to come to grips with that issue and make a major national commitment with respect to upgrading the Nation's infrastructure.

Mr. REID. Mr. President, I am going to hold a hearing next week on the Environment and Public Works Committee. I am now the subcommittee chair on the committee with jurisdiction over this country's infrastructure. The first hearing I am going to do is going to be involved with the mayors of major cities in the United States, to have them start telling us what some of our major urban cities need. We are tremendously deficient in what we have not done to help cities and, of course, other parts of our country.

This is not a problem that developed today. We have been ignoring this for far too long. The Senator is absolutely right. We now are looking at budgetary constraints that make it very difficult for us to address some of the most grievous things facing this country as relates to infrastructure. That is one of the reasons I am holding this hearing. We can no longer hide our head, bury our heads in the sand, and say they don't exist. These problems exist. The Senator is so right, and the Public Works Committee is going to start addressing this next week.

Mr. SARBANES. I commend the Senator for that initiative. I think it is extremely important. I think we have to get across the understanding that these public investments in infrastructure are essential to the private sector activity. In other words, there is a relationship between making available a first-class public infrastructure—for example, transportation—and the ability then of the private sector to efficiently carry out its business. I think we need to perceive it in those terms because people come out and say you are just talking about making a public expenditure, but this is a public expenditure with wide-ranging consequences and implications for the effective working of the private sector of the economy.

Mr. REID. I will finally say to my friend, you are so right. Some of the people who want to spend less money than anyone else are the so-called market-oriented people. The fact is, Adam Smith, in his book "Wealth of Nations," in 1776, said that governments

had certain responsibilities, and one of those responsibilities is things about which we are speaking, things we cannot do for ourselves. Only governments can do roads, highways, bridges, dams, sewers, water systems. So we go right back to the basic book of the free enterprise system, and that is what we are talking about.

Mr. SARBANES. That is right.

ENERGY, OPEC, AND ANTITRUST LAW

Mr. SPECTER. Mr. President, I have sought recognition to discuss briefly this afternoon, in the absence of any activity on the pending legislation, and in the absence of any other Senator seeking recognition, to discuss a subject which was talked about at the energy town meeting which Vice President CHENEY had in Pittsburgh on Monday of this week, July 16.

At that time, I had an opportunity to address very briefly a number of energy issues. I talked about the possibility of action under the U.S. antitrust laws against OPEC which could have the effect of bringing down the price of petroleum and, in turn, the high prices of gasoline which American consumers are paying at the present time.

I have had a number of comments about people's interest in that presentation. I only had a little more than 3 minutes to discuss this OPEC issue and some others. I thought it would be worthwhile to comment on this subject in this Senate Chamber today so that others might be aware of the possibility of a lawsuit against OPEC under the antitrust laws.

I had written to President Clinton on April 11 of the year 2000 and had written a similar letter to President George Bush on April 25 of this year, 2001, outlining the subject matter as to the potential for a lawsuit against OPEC. The essential considerations involved whether there is sovereign immunity from a lawsuit where an act of state is involved, and the decisions in the field make a delineation between what is commercial activity contrasted with governmental activity. Commercial activity, such as the sale of oil, is not something which is covered by the act of state doctrine, and therefore is not an activity which enjoys sovereign immunity.

There have also been some limitations on matters involving international law, as to whether there is a consensus in international law that price fixing by cartels violates international norms. In recent years, there has been a growing consensus that such cartels do violate international norms, so that now there is a basis for a lawsuit under U.S. antitrust laws against OPEC and, beyond OPEC, against the countries which comprise OPEC.

After writing these letters to President Clinton and President Bush, I found that there had, in fact, been litigation instituted on this precise subject in the U.S. District Court for the

Northern District of Alabama, Southern Division, in a case captioned "Prewitt Enterprises, Inc. v. Organization of the Petroleum Exporting Countries." In that case, neither OPEC nor any of the other countries involved contested the case, and a default judgment was entered by the Federal court, which made some findings of fact right in line with the issues which had been raised in my letters to both Presidents Clinton and Bush.

The court found that OPEC had conspired to implement extensive production cuts, that they had established quotas in order to achieve a specific price range of \$22 to \$28 a barrel, and that the cost to U.S. consumers on a daily basis was in the range of \$80 to \$120 million for petroleum products. That is worth repeating. The cost to U.S. consumers was \$80 to \$120 million daily.

The court further found that OPEC was not a foreign state. The court also found that the member states of OPEC, although not parties to the action, were coconspirators with OPEC, and that the agreement entered into by the member states of OPEC was a commercial activity, and the states, therefore, did not have sovereign immunity for their actions.

The court further found that the act of state doctrine did not apply to the member states and that OPEC's actions were illegal "per se" under the Sherman and Clayton Acts.

The court then issued an injunction, which is legalese for saying OPEC could no longer act in concert to control the volume of the production and export of crude oil.

The court found that the class of plaintiffs was not entitled to monetary damages because they were what is called "indirect purchasers." That is a legal concept which is rather involved which I need not discuss at this time. But the outline was established, and the findings of fact and conclusions of law were established by the Federal court that indeed there was a cartel, there was a conspiracy in restraint of trade, U.S. laws were violated, U.S. consumers were being prejudiced, and an injunction was issued.

Then, a unique thing occurred. After the court entered its default judgment and injunction, OPEC entered a special appearance in the case, and asked the court to dismiss the case. Three nations, who were not parties to the case—Saudi Arabia, Kuwait, and Mexico—then sought leave of the court to file "amicus" briefs in support of OPEC's motion to dismiss, which means, in effect, that they wanted to assist OPEC in defending the matter. I think it is highly significant that those nations, which are characteristically and customarily oblivious and indifferent and seek to simply ignore U.S. judicial action, had a change of heart and decided to come in.

They must have concluded that an injunction by Federal court was something to be concerned about. I think, in

fact, it is something to be concerned about.

In an era where we are struggling with an extraordinarily difficult time of high energy costs, with real concerns laid on the floor of the Senate about where additional drilling ought to be undertaken, about the problems with fossil fuels, about our activities to try to find clean coal technology to comply with the Clean Air Act, at a time when we are looking for renewable energy sources such as air and wind and hydroelectric power, there is a long finger to point at the OPEC nations which are conspiring to drive up prices in violation not only of U.S. law but in violation of international law.

This is a subject which ought to be known to people generally. It ought to be the subject of debate, and it ought to be, in my opinion, beyond a class action brought into the Federal court by private plaintiffs, which is something that the Government of the United States of America ought to consider doing as has been set forth in the letters which I sent to President Clinton last year and to President Bush this year.

It is especially telling when we have Kuwait gouging American consumers, after the United States went to war in the Persian Gulf to save Kuwait. It is equally if not more telling that Saudi Arabia engages in these conspiratorial tactics at a time when we have over 5,000 American men and women in the desert outside of Riyadh. I have visited there. It is not even a nice place to visit, let alone a nice place to live, in a country where Christians can't have Christmas trees in the windows and Jewish soldiers don't wear the Star of David for fear of being the victims of religious persecution; and Mexico, a party to these practices, notwithstanding our efforts to be helpful to the Government of Mexico.

But fair is fair. Conspiracies ought not to be engaged in. Price fixing ought not to be engaged in. If there is a way within our laws to remedy this, and I believe there is, that is something which ought to be considered.

I am not unmindful of the tender diplomatic concerns where every time an issue is raised, we worry about what one of the foreign governments is going to do, what Saudi Arabia is going to do—that we should handle them with "silk gloves" only. But when American consumers are being gouged up to \$100 million a day on petroleum products, this is something we ought to consider and, in my judgment, we ought to act on.

We have seen beyond the issue of antitrust enforcement a new era of international law, with the War Crimes Tribunal at The Hague prosecuting war criminals from Yugoslavia, and now former President Milosevic is in custody. We also have the War Crimes Tribunal at Rwanda. A new era has dawned where we are finding that the international rule of law is coming into common parlance. That long arm of